

04-5928 MEDELLIN V. DRETKE, DIR., TX DCJ

DECISION BELOW: 371 F.3d 270 (5th Cir. 2004)

QUESTIONS PRESENTED

1. In a case brought by a Mexican national whose rights were adjudicated in the *Avena* Judgment, must a court in the United States apply as the rule of decision, notwithstanding any inconsistent United States precedent, the *Avena* holding that the United States courts must review and reconsider the national's conviction and sentence, without resort to procedural default doctrines?
2. In a case brought by a foreign national of a State party to the Vienna Convention, should a court in the United States give effect to the *LaGrand* and *Avena* Judgments as a matter of international judicial comity and in the interest of uniform treaty interpretation?

Cert. Granted 12/10/04